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15 **UNITED STATES DISTRICT COURT**

16 **DISTRICT OF NEVADA**

17 HP TUNERS, LLC, a Nevada limited liability
18 company,

19 Case No. 3:18-cv-00527-LRH-CSD

20 Plaintiff,

21 vs.

22 KENNETH CANNATA,

23 Defendant.

24 **STIPULATION FOR DISMISSAL OF
25 CASE WITH PREJUDICE**

26 Plaintiff HP TUNERS, LLC (“HPT”), by and through its undersigned legal counsel, and
27 Defendant KENNETH CANNATA (“Cannata” and together with HPT, the “Parties”), by and
through his undersigned legal counsel, hereby stipulate to dismiss this action with prejudice as
follows:

28 **RECITALS**

29 WHEREAS, HPT commenced this action by filing its Complaint for Injunctive Relief and
30 Damages against Cannata on November 1, 2018, Docket No. 1;

1 WHEREAS, the Parties filed competing motions for summary judgment on June 30, 2021,
2 Docket Nos. 119 and 124;

3 WHEREAS, this Honorable Court entered its Order on the competing motions for
4 summary judgment on February 24, 2022, Docket No. 157;

5 WHEREAS, this Honorable Court entered its Judgment on February 24, 2022, Docket No.
6 158;

7 WHEREAS, this Honorable Court entered its Order on Cannata's motion for summary
8 judgment on the first cause of action on July 26, 2022, Docket No. 172;

9 WHEREAS, this Honorable Court commenced a bench trial in this matter on January 30,
10 2023 ("Bench Trial"), Docket No. 219;

11 WHEREAS, during the pendency of the Bench Trial, HPT and Cannata amicably resolved
12 the dispute between them subject to and in accordance with a settlement agreement dated January
13 30, 2023 ("Settlement Agreement");

14 WHEREAS, as a condition of the Settlement Agreement, this Honorable Court entered the
15 Agreed Permanent Injunction Order on January 31, 2023 ("Injunction Order"), Docket No. 221;

16 WHEREAS, as a condition of the Injunction Order, the Parties agreed to file a stipulation
17 for dismissal.

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1 **STIPULATION**

2 NOW THEREFORE, in consideration of the foregoing Recitals, the Parties hereby
3 stipulate to dismissal of this action with prejudice pursuant to Fed. R. Civ. P. 41(a), including all
4 claims and counterclaims by the respective parties, if applicable, and that all parties agree to be
5 responsible for their own attorney's fees and costs. Nothing in this stipulation nor the order of
6 dismissal with prejudice shall invalidate, release, or otherwise affect the Injunction Order.

7 DATED this 2nd day of March, 2023.

8 FLETCHER & LEE

SHEA LARSEN

9
10 /s/ Elizabeth Fletcher, Esq.
11 ELIZABETH FLETCHER, ESQ.

/s/ Bart K. Larsen, Esq.
12 BART K. LARSEN, ESQ.
13 Attorneys for Defendant Kenneth Cannata

14 MARKS & KLEIN

15 /s/ Andrew P. Bleiman, Esq.
16 ANDREW P. BLEIMAN, ESQ.
17 Attorneys for Plaintiff HP Tuners, LLC

18 **IT IS SO ORDERED.**

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21 HONORABLE LARRY R. HICKS
22 UNITED STATES DISTRICT JUDGE

23 DATED: _____